

BEFORE THE

ORIGINAL

Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Sections 74.1231,
74.1232, 74.1233, 74.1284 of the
Commission's Rules

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RM-9419

To: The Commission

COMMENTS OF GREAT SCOTT BROADCASTING

Great Scott Broadcasting ("Great Scott"), pursuant to Section 1.405 of the Commission's Rules, hereby responds to a December 10, 1998 Public Notice (DA 98-2527) seeking comments on an August 13, 1997 Petition for Rulemaking filed by the American Community AM Broadcasters Association ("ACAMBA") in the above-captioned proceeding (the "Petition").¹ Great Scott, a licensee of AM as well as FM broadcast stations,² believes that the

¹ An Order (DA 99-115) released January 7, 1999, extended the time for filing comments to February 10, 1999. Accordingly, these comments are timely filed.

² Great Scott is the licensee of AM broadcast stations WJWL(AM), Georgetown, Delaware; WJWK(AM), Seaford, Delaware; WCHR(AM), Trenton, New Jersey; WKST(AM), New Castle, Pennsylvania; and WPAZ(AM), Pottstown, Pennsylvania. Great Scott is also the licensee of FM broadcast stations WJYN(FM), Bethany Beach, Delaware; WZBH(FM), Georgetown, Delaware; WJNE(FM), Laurel, Delaware; WRBG(FM), Ocean View, Delaware; WGBG(FM), Seaford, Delaware; WOCQ(FM), Berlin, Maryland; WNJO(FM), Trenton, New Jersey; and WKST-FM, Ellwood City, Pennsylvania.

adoption of a regulation that would allow AM stations to use FM translator stations for fill-in service is long overdue. Great Scott strongly supports ACAMBA's Petition.

AM broadcast stations have a long history. Once the preeminent broadcast outlets in the United States, they have been gradually relegated over the years to a kind of collective second-class status vis-a-vis television and FM stations. The erosion in audience share and economic vitality of AM stations has been a function in large part of the technical limitations on the AM band. More susceptible to interference and restricted in many cases to daytime-only or reduced nighttime power operation, AM stations have found it increasingly difficult to survive in the face of an ever-increasing array of competition. The FCC itself is acutely aware of these ongoing AM struggles and has in the recent past searched for ways to "level the playing field" and enhance AM broadcast stations' ability to compete fairly and effectively. See Review of the Technical Assignment Criteria for the AM Broadcast Service, 6 FCC Rcd 6273 (1991).

Throughout the period of these continuing difficulties, many AM stations have managed to hang on and continue to provide the kind of innovative local service that has been one of the hallmarks of the broadcast industry. A disproportionate number of AM stations broadcast in an all-news format, for example. Others fill local market demands for such varied formats as all-sports and religious programming. Great Scott's own WPAZ, which operates only during daytime hours, is recognized in its local community, Pottstown, Pennsylvania, for providing local news, public affairs and public service programming, emergency services information, and local sports programming.

Viewed against this background, ACAMBA's petition makes eminent common and public policy sense, and certainly presents a compelling enough case to justify initiation of a formal rulemaking proceeding. ACAMBA has identified a potential mechanism — the use of FM translators — to at least begin to address the nighttime power issue, one of the most basic of the problems plaguing the AM service. Great Scott has been unable to identify a compelling rationale for allowing fill-in translators for the FM service, which already enjoys full-time hours of operation and other technical advantages via-a-vis the AM service, while denying the same translators to AM stations. Indeed, there is arguably a more compelling need for FM translators in the AM band, given that band's technical deficiencies.

Great Scott strongly supports the ACAMBA petition with several clarifications. First, it should be made clear that the proposal to allow AM stations to use FM translators encompasses daytime-only stations as well as those AM stations that operate with reduced nighttime power.³ Second, there should be clarification that the proposal is intended to create a fill-in service, based on daytime coverage contours, and not as a way to extend an AM station's coverage beyond its contours.

One last point deserves emphasis. ACAMBA's important proposals have been on file with the FCC for nearly a year and a half. Given that delay which has already occurred and

³ For example, the proposed eligibility restriction that stations have a licensed nighttime power not exceeding 500 watts (Petition at 4) should not be read to mean that a station with no nighttime power at all is ineligible.

the urgency of AM's situation, Great Scott requests that the Commission expedite a full examination of the possibilities raised in the Petition and institute a rulemaking at the earliest possible time to explore the benefits of allowing AM licensees to utilize FM translators to retransmit their signals as fill-in service.

For the reasons stated above, Great Scott requests that the Commission grant ACAMBA's Petition and institute a rulemaking to examine the licensing of FM translators for retransmission of AM broadcasting.

Respectfully submitted,

GREAT SCOTT BROADCASTING

By: 
Faye Scott

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Its General Partner

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February 9, 1999
for submission February 10, 1999

Certificate of Service

I, Faye Scott, hereby certify that a true and correct copy of the foregoing *Comments of Great Scott Broadcasting* is to be sent by first-class postage prepaid mail on the 10th day of February, 1999, to the following:

American Community AM Broadcasters Association
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Faye Scott